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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,563	07/31/2003	Tom Cheng	13914-031001/2003P00497	2608
32864	7590	11/13/2006	EXAMINER	
FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			PANNALA, SATHYANARAYA R	
			ART UNIT	PAPER NUMBER
			2164	

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/632,563	CHENG ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Sathyanarayan Pannala	2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 22 August 2006.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-32 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. Applicants Amendment filed on 8/22/2006 has been entered with amended claims 1 and 14. In this Office Action, claims 1-32 are pending.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-32 are rejected under 35 U.S.C. § 101, because none of the claims are directed to statutory subject matter. Independent claims 1, 14 and 27 merely claiming functional descriptive material, i.e., abstract ideas. Even when a claim that recites a computer that solely calculates a mathematical formula or a computer disk that solely stores a mathematical formula is not directed to the type of statutory subject matter eligible for patent protection. The claims are not producing useful, concrete and tangible results. See Diehr, 450 U.S. at 186 and Gottschalk v. Benson, 409 U.S. 63, 71-72 (1972).

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-8, 10, 12-21, 23, 25-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Dorsett Jr. (US Patent 6,658,429) hereinafter Dorsett.

6. As per independent claims 1, 14, 27, Dorsett teaches a method implementing techniques for processing from chemical experimentation for or on a library of materials or a subset of such a library of materials (col. 2, lines 39-45). Dorsett teaches the claimed, retrieving business object data from one or more database tables, the business object data including attribute data for one or more attributes of the business object (Fig. 1, col.5, lines 31-38). Dorsett teaches the claimed, retrieving metadata from the business object data, the metadata including a name, a data type, and a value for each attribute of the business object data (Fig. 1, col. 9, lines 26-43 and col. 13, lines 14-19). Dorsett teaches the claimed, constructing a generalized data structure for the attribute data using the metadata (Fig. 1, col. 9, lines 20-30). Dorsett teaches the claimed, parsing the attribute data into the generalized data structure (Fig. 1, col. 19, lines 18-21).

7. As per dependent claims 2, 15, 28, Dorsett teaches the claimed, Dorsett teaches the claimed, receiving a request for business object data associated with a particular business object (Fig. 1, col. 7, lines 35-43).
8. As per dependent claims 3, 16, 29, Dorsett teaches the claimed, retrieving business object data comprises retrieving opportunity header data and data for one or more opportunity listings (col. 2, line 55 to col. 3, line 10).
9. As per dependent claims 4, 17, Dorsett teaches the claimed, the business object data includes data related to a desired commercial transaction (col. 2, lines 45-54).
10. As per dependent claims 5, 18, Dorsett teaches the claimed, the opportunity header data includes an opportunity type and an opportunity identifier (col. 3, lines 40-54).
11. As per dependent claims 6, 19, Dorsett teaches the claimed, the data for one or more opportunity listings includes product data, the product data associated with a product to be obtained as a result of the desired commercial transaction (col. 3, lines 40-54).
12. As per dependent claims 7, 20, Dorsett teaches the claimed, the data for one or more opportunity listings includes service data, the service data associated with a

service to be obtained as a result of the desired commercial transaction (col. 3, lines 40-54).

13. As per dependent claims 8, 21, 30, Dorsett teaches the claimed, retrieving business object data comprises retrieving response data associated with the one or more opportunity listings (Fig. 1, col. 7, lines 57-61).

14. As per dependent claims 10, 23, Dorsett teaches the claimed, retrieving business object data from the one or more database tables includes executing one or more series query language statements according to a persistence layer implementation (Fig. 1, col. 9, lines 18-22).

15. As per dependent claims 12, 25, 32, Dorsett teaches the claimed, the generalized data structure conforms to extensible markup language (XML) format (Fig. 1, col. 9, lines 50-55).

16. As per dependent claims 13, 26, 31, Dorsett teaches the claimed, communicating the attribute data in the generalized data structure to an external application (Fig. 1, col. 11, lines 24-27).

***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

18. Claims 9, 11, 22, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorsett Jr. (US Patent 6,658,429) hereinafter Dorsett, and in view of Woolston et al. (US Patent 6,856,967) hereinafter Woolston.

19. As per dependent claims 9, 22, Dorsett does not explicitly teach an application dealing with bid price. However, Woolston teaches the claimed, the response data includes a bid amount corresponding to one or the one or more opportunity listings (Fig. 12, col. 16 line 64 to col. 17, line 7). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Woolston's teachings would have allowed Dorsett's method to provide a consistent navigational or taxonomy scheme to navigate

and find pricing information in a heterogeneous computing environment and found on the internet (col. 2, lines 40-45).

20. As per dependent claims 11, 24, Dorsett does not explicitly teach an application dealing with bid price. However, Woolston teaches the claimed, the attribute data includes data for a first set of static attributes and a first set of dynamic attributes (Fig. 12, col. 16, line 64 to col. 17, line 1). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Woolston's teachings would have allowed Dorsett's method to provide a consistent navigational or taxonomy scheme to navigate and find pricing information in a heterogeneous computing environment and found on the internet (col. 2, lines 40-45).

### ***Response to Arguments***

21. Applicant's arguments filed on 8/22/2006 have been fully considered but they are not persuasive and details as follows:

- a) Applicants' argument stated as "Applicants have amended claims 1 and 14 to recite that the method and operations set forth in the claim are computer-implemented."

In response to Applicants' argument, Examiner respectfully disagrees, because merely adding words "computer-implemented" will not overcome the

rejection under U.S.C.101, see MPEP 2106 for details. The claims as such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

b) Applicants' argument stated as "Dorsett does not disclose or suggest many of the limitations set forth in Applicants' claim 1."

In response to Applicants' argument, Examiner respectfully disagrees, because Dorsett do teach the claim 1 each and every limitation. For example, claim 1, the first limitation "retrieving business object data from one or more database tables, the business object data including attribute data for one or more attributes of the business object" Dorsett teaches at Fig. 1, col.5, lines 31-38. The claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

### ***Conclusion***

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sathyanarayan Pannala  
Primary Examiner

srp  
November 6, 2006